

REMARKS

I. STATUS OF THE CLAIMS

In accordance with the foregoing, claim 1-10 are pending and under consideration.

II. OBJECTIONS

Claims 4-5, 7 and 9 were objected to for their reference to an 'examiner terminal.'

Claim 4 is amended to recite an 'examinee terminal.'

Claims 5, 7 and 9 do not recite an 'examiner terminal;' instead, they recite an 'examiner' and have been amended as appropriate to recite an 'examinee.'

Applicants respectfully submit the objection should be withdrawn.

III. CLAIMS 7-8 ARE REJECTED UNDER 35 U.S.C. 101 AS BEING DIRECTLY TO NON-STATUTORY SUBJECT MATTER

Claim 7 has been amended as appropriate. Applicants respectfully submit the rejection is overcome.

IV. CLAIMS 1-10 ARE REJECTED UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER TOSHIYA ET AL. (JAPANESE PUBLICATION NO. 2001-273375) IN VIEW OF U.S. 5,937,162 (FUNK ET AL.)

The Office Action at page 3 contends that Toshiya describes the recitation, receiving a response mail from the examinee terminal responding to the inquiry mail of claim 1 of the present application. Applicants respectfully disagree with this contention.

Paragraph [0026] of Toshiya, which is a machine-generated translation, states "The electronic mail of a HTML (Hyper Text MarkupLanguage) format, By clicking the link of HTML (Hyper Text Markup Language), since it was placed on the Web page The system which the e-mail software of a visitor's terminal starts, the system which can transmit e-mail by inputting into the form on a Web page and pushing a transmitting carbon button are known." Further to the cited paragraph of Toshiya, Applicants submit a response mail is not received by the system from a user; instead, the user clicks a link which directs the user to an HTML (Hyper Text Markup) web page.

Accordingly, Applicants respectfully submit Toshiya fails to describe receiving a response mail from the examinee terminal responding to the inquiry mail as recited in claim 1 of the present application.

The Office Action further contends, "Toshiya further discloses determining a response order of the emails based on the reception time of the email [claims 1, 5, 7, 9]. See paragraphs 0002, 0003 and 0017-0020." Upon review of the cited portions of Toshiya, Applicants are unable to find a description of determining, based on the reception time, transmission order in which a pass/fail information address in the network at which the pass/fail information is located is transmitted to the examinee terminal as recited in claim 1 of the present application. The Examiner is respectfully requested to more specifically point out where in Toshiya a description is provided which teaches the aforementioned recitation of claim 1 of the present application.

The Office Action further asserts, "Toshiya fails to teach wherein the transmissions are based on the monitored load of the server [Claims 1, 5, 6-10]. However, Funk discloses a system for mass emailing that includes adjusting email queues when the load is above a predetermined value. See col. 13: 48-62." Applicants respectfully submit the Office Action fails to appreciate the full recitation of claim 1 of the present application; specifically, transmitting the pass/fail information address to examinee terminals of a predetermined number of examinees including the examinee depending on the determined transmission order and the monitored server load. Instead, the Office Action appears to pick and choose various portions of the aforementioned recitation of claim 1 of the present application without fully appreciating the full recitation.

Furthermore, assuming *arguendo* that the combination of Toshiya with Funk is proper, Funk fails to describe the portion of the recitation of claim 1 cited by the Examiner. Funk relates to a method and apparatus for high volume e-mail delivery and describes an outbound email processing section 712, shown in FIGS. 7 and 9, which may be scaled to dynamically increase its email throughput. More specifically, Funk states that based on message load, additional queues or processors may be quickly brought on-line. See Funk, column 13, lines 48-51.

Additionally, Funk states that if the message load input (step 1102) is determined to be too high (step 1104), an additional queue is added (step 1106). See column 13, lines 56-58. Further to the aforementioned description of Funk, Funk describes adding additional queues or processors for a large message load, rather than modifying the message input load.

Applicants respectfully submit Funk fails to describe the recitation, transmitting the pass/fail information depending on the determined transmission order and the monitored server load.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited reference.

Regarding the rejection of claim 3, the Office Action contends, "Toshiya fails to explicitly teach wherein the passing information is distributed based on the examinee ID number [Claim 3]. However, Funk teaches of using numbers to organize data. See col. 13: 17-26." Applicants respectfully traverse this contention.

The cited portion of Funk describes using Hash algorithms in a hash processor 1055. See column 13, lines 17-18. Although the Office Action asserts that Funk describes using numbers to organize data, Applicants respectfully submit Funk fails to describe the recitation, transmitting, in response to reception of the transmission request, examinee ID numbers of a plurality of passing examinees around the particular examinee of claim 3 of the present application.

Regarding the rejection of claim 4, Applicants respectfully submit Toshiya fails to describe the recitation, forming a group of examinees who wish to disclose their pass/fail information to other examinees, based on profile information of the examinees, the group including the particular examinee of claim 4 of the present application.

In the response to arguments section, the Office Action asserts, "However, in the lower half of paragraph 26, Toshiya describes wherein the user profiles contain information about transmitting test results to third party individuals. Additionally note that since all users can do this, they constitute a 'group' as per claim 4." In the cited portion of Toshiya, Applicants are unable to find any verbiage indicating a 'group' is formed; instead, Applicants believe the cited portion of Toshiya describes providing a user who is a successful candidate and has information transmitted to him by the information transmitting program of the system with the option of informing another individual of their success by providing the system with said another individuals email address.

In view of the foregoing description of Toshiya, Applicants respectfully submit Toshiya fails to describe the recitation, forming a group of examinees who wish to disclose their pass/fail information to other examinees, based on profile information of the examinees, the group including the particular examinee of claim 4 of the present application

In view of the above, it is respectfully submitted the rejection is overcome.

V. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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